

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BIENVENIDO I. LUGO MARCHANT,
Plaintiff,

v.

PETER TSICKRITZIS, KEVIN
KINGSTON and UNITED LIQUORS
LIMITED,
Defendants.

Civil Action No. 05 11317 NMG

**DEFENDANTS' MOTION TO EXTEND DEADLINE FOR COMPLETING
DEPOSITIONS AND OTHER DEADLINES**

Defendants, United Liquors, Ltd., Peter Tsickritzis, and Kevin Kingston ("Defendants"), hereby move to extend the deadline for completing depositions and for other events in this matter. Specifically, Defendants move to extend by 45 days deadlines for completing depositions, from Monday, October 16, 2006 to and including Friday, December 1, 2006; for serving dispositive motions, from Thursday, November 16, 2006 to and including Wednesday, January 3, 2007; and for serving responses to dispositive motions, from Friday, December 15, 2006 to and including Tuesday, January 30, 2007.

As grounds for their motion, Defendants state the following:

1. This action arises out of Plaintiff's employment with United Liquors Limited ("United Liquors") in 2003. In his Complaint served in September, 2005, Plaintiff alleges discriminatory treatment during his employment and asserts claims under Title VII of the Civil Rights Act of 1964 and Title I of the Americans With Disabilities Act.
2. Defendants served their first set of interrogatories and first request for documents upon Plaintiff on January 6, 2006. However, it was not until over six months later, on or about

July 28, 2006, after several motions were filed, that Defendants received the discovery responses. Specifically:

a. By February 13, 2006, Defendants had not received discovery responses from Plaintiff. On March 3, 2006, after Plaintiff failed to respond to Defendants' counsel's request for a discovery conference, Defendants served a motion to compel discovery responses. Approximately one week after the filing of Defendants' motion to compel, Plaintiff served his discovery responses. Subsequently, Defendants notified the Court that they were withdrawing the pending motion to compel, as they were required to do since responses finally were provided.

b. On March 15, 2006, Defendants' counsel sent a letter to Plaintiff informing him that they had reviewed his discovery responses and were surprised by his responses. In the letter, Defendants' counsel requested that Plaintiff contact them to confer regarding his discovery responses. Plaintiff did not respond to Defendant's request for a conference.

c. On April 3, 2006, Defendants filed a motion to compel complete and substantive responses to discovery.

d. On July 6, 2006, Magistrate Judge Judith Dein granted Defendant's motion to compel complete and substantive responses to discovery and required that Plaintiff provide his discovery responses by July 28, 2006. Plaintiff subsequently produced answers to interrogatories and documents in response to Defendants' request for documents.

3. On October 6, 2006, Defendants began taking Plaintiff's deposition, but the deposition was adjourned prior to completion at Plaintiff's suggestion.

4. Plaintiff agreed to complete his deposition at a later date and the parties are currently scheduling the continuation of that deposition.

5. Additional time is needed for the completion of Plaintiff's deposition and may be needed for other discovery after the conclusion of that deposition.

WHEREFORE, Defendants request that the Court extend the deadline for completing depositions from Monday, October 16, 2006 to and including Friday, December 1, 2006, the deadline for serving dispositive motions from Thursday, November 16, 2006 to and including Wednesday, January 3, 2007, and the deadline for serving responses to dispositive motions from Friday, December 15, 2006 to and including Tuesday, January 30, 2007.

LOCAL RULE 7.1(A)(2) CERTIFICATION

Counsel for Defendants hereby certify that they attempted to confer with Plaintiff about the filing of this motion on Monday, October 16, 2006. Plaintiff and Defendants' counsel set up a call for approximately noon on October 16, 2006, to discuss issues related to this matter, but Plaintiff was not available to answer the call. Defendants' counsel tried to reach Plaintiff several times in the afternoon, but was unable to reach him. Accordingly, the issues raised in this motion have not been narrowed.

Respectfully submitted,

UNITED LIQUORS LIMITED, PETER
TSICKRITZIS and KEVIN KINGSTON,

By their attorneys,

/s/ Joan Ackerstein

Joan Ackerstein (BBO# 348220)

Heather Stepler (BBO# 654269)

JACKSON LEWIS LLP

75 Park Plaza, 4th Floor

Boston, Massachusetts 02116

(617) 367-0025; Fax: (617) 367-2155

Dated: October 16, 2006

CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2006, this document was served upon Plaintiff, Bienvenido I. Lugo Marchant, 19 Grove Street, Brockton, MA 02301, by first class mail, postage prepaid.

/s/ Heather L. Stepler
Jackson Lewis LLP